

1 MORGAN, LEWIS & BOCKIUS LLP  
2 D. Ward Kallstrom (State Bar No. 76937)  
3 Nicole A. Diller (State Bar No. 154842)  
Donald P. Sullivan (State Bar No. 191080)  
One Market, Spear Street Tower  
San Francisco, California 94105  
Telephone: (415) 442-1000  
Facsimile: (415) 442-1001

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6 Attorneys for North Star Trust Company  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
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11 THOMAS FERNANDEZ, LORA SMITH,  
and TOSHA THOMAS

Case No. C06-07339 CW

12 Plaintiffs,

13  
14 vs.  
**NOTICE OF SETTLEMENT,  
WITHDRAWAL OF MOTION FOR  
SUMMARY JUDGMENT, AND  
STIPULATION AND ORDER CLEARING  
ALL DATES IN THIS MATTER AS  
MODIFIED**

15 K-M INDUSTRIES HOLDING CO., INC.;  
K-M INDUSTRIES HOLDING CO., INC.  
16 ESOP PLAN COMMITTEE; WILLIAM  
E. AND DESIREE B. MOORE  
17 REVOCABLE TRUST; TRUSTEES OF  
THE WILLIAM E. AND DESIREE B.  
MOORE REVOCABLE TRUST;  
18 ADMINISTRATOR OF THE ESTATE OF  
WILLIAM E. MOORE, DECEASED; CIG  
19 ESOP PLAN COMMITTEE; and NORTH  
STAR TRUST COMPANY,  
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Defendants.

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23 WHEREAS, Plaintiffs and Defendant North Star Trust Company (“NSTC”) (collectively,  
the “Parties”) have reached a settlement of the above-titled class action;

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25 WHEREAS, the Parties are in the process of preparing the Settlement Agreement and the  
related Notice of Class Settlement, Motion for Preliminary Approval, [Proposed] Order, and Final  
26 Judgment;  
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**WHEREAS**, the Parties anticipate that they will be able to submit the above documents to the Court within the next four weeks;

WHEREAS, NSTC, through this notice, withdraws its Motion for Summary Judgment, currently scheduled to be heard before this Court on December 10, 2009;

WHEREAS, Plaintiffs, through this notice, withdraw their evidentiary motions related to NSTC's Motion for Summary Judgment, currently scheduled to be heard before this Court on December 10, 2009; and

WHEREAS, the settlement of this case renders moot the other deadlines set by the Court in its Pre-Trial Schedule Order;

NOW THEREFORE, FOR GOOD CAUSE SHOWN, THE PARTIES HEREBY STIPULATE and AGREE that NSTC's Motion for Summary Judgment and all related evidentiary motions shall be withdrawn and the December 10, 2009 hearing on that Motion shall be cancelled. Additionally, the Parties jointly request that the Court vacate the dates set in its Pre-Trial Scheduling Order in this case.

Dated: November 25, 2009 LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.

/s/ Todd F. Jackson (with permission)  
By: Todd F. Jackson, Esq.  
Attorneys for Plaintiffs

Dated: November 25, 2009 MORGAN, LEWIS & BOCKIUS LLP

/s/ Donald P. Sullivan  
By: Donald P. Sullivan, Esq.  
Attorneys for Defendant North Star Trust Company

**PURSUANT TO STIPULATION, IT IS SO ORDERED**

The Court hereby vacates the dates set in its Pre-Trial Scheduling Order, withdraws NSTC's Motion for Summary Judgment and Plaintiffs' related evidentiary motions, and cancels the December 10, 2009 hearing on that Motion. A **Case Management Conference will be held on April 27, 2010, at 2:00 p.m.**

Dated: 12/1/ 2009

Charlotte

Hon. Claudia Wilken, U.S. District Judge